1946

File No. O Lunacy/46

Legal Dept

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Subject:—

Opinions under the Indian Lunacy Act, 1912—

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The question for R.L.A.'s consideration is what is the best course legally open for-

(a) ensuring regular payment of the maintenance charg if the lunatic, Mohn Gajetan Figuira to the Superintendent Central Medical Hospital, Yeravda from the income of the Provident Fund of Rs.5677-3-4+ lying with the Bombay Steam Navigation Co., and

(b) keeping the capital in tact for the benefit of th Sub patient on his discharge and his family.

Sub-section (1) of section 56 of the Indian Lunacy Act, 1912 enacts that if it appears to the Court having regard to th situation and condition in life of the lunatic and his famil and the other circumstances of the case, to be expedient tha his property should be made available for his or their maintenance in a direct and inexpensive manner it may, inst of appointing a manager of the estate order that the proper if money money or if of any other description the produce thereof, when realised, be paid to such persons as the Govern ment may think fit, to be applied for the purpose aforesaid. Under sub.section (2) the receipt of the person so appointe shall be a valid dischrage to any person who pays any money or delivers any property of the lunatic to such person. Section 59 confers powers on the Court to make temporary pro vision for the maintenance of the lunatic or of such members of his family as are dependent on him. incases where it appears to the Court that unsoubdness of mind is in its nat temporay p From sub-section (1) of section 56 it is evident that if it appears to the Court that the property of the lunatic should be made available for his own or his family's maintenance instead of appointing a manager of the Estate, i may order that the money be paid to such person as it may appoint and the porson so appointed may apply the money for the maintenance of the lunatic or his family. Consequently the Bombay Steam Navigation Co, would be bound to pay the Provident Fund amount of the lunatic to such person as the Court may appoint; and the person

so appointed would be competent to apply the amount for the maintenance of the lunatic or his family in such manner as the Court may direct. The only course feasible would be to apply to the Court to appoint a suitable person to receive the Provident Fund amount of the lunatic from the Bombay Steam Navigation Co. and to direct the investment and expenditure of the amount for the maintenance of the lunatic and his family. Government may, however, suggest the Court the name of a suitable person for appointment and the mode of investment of the Provident Fund amount of the lunatic.

Id/ P.N.M.
11/7/46.

Remembrancer of Legal Affairs.

U.R. to G.D. No. 4964 dated the 12th July 1946.

VGP. 9-7-56.

Birpal Singh, ex-Rana of Bhajji not being a criminal lunatic within the meaning of section 24 of the Indian Lunacy Act, 1912, will have to be treated as a civil patient.

Sd.

Remembrancer of Legal Affairs.

U.O.R. to G.D.No.532-PConfl dated the 16th Sppt 1946.

VJP. 9-7-56.